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clear and succinct style of all the leading questions involved in a consideration of the subject." It does not seem to the reviewer that the volume accomplishes this purpose. It is not in the form of a code like Wigmore's Pocket Code of Evidence, nor a code with illustrations like Stephens' Digest, nor is it a statement of the law in the language of lawyers, like Jones' one-volume work, nor again is it a concise exposition of the theories and principles for students, like Hughes'. The terminology is novel and the literary expression often obscure and involved. The book can hardly be used for quick reference, as one must have read much of what goes before to know what is meant by the "involution of reasoning," "objective relevancy," "psychological identity." Take for example the last paragraph of section 1017: "In any particular case the *res gestae* may be equivocal as to the mental state of the person in question; certainly, not clear beyond a reasonable doubt. The obvious and frequently the sole administrative expedient is to broaden the field of inquiry beyond the *res gestae* of the particular case by introducing in evidence proof of what happened upon other occasions so related to the facts under investigation that by the elimination, or as it were, the cancellation of infirmative hypotheses or explanations the steady line or channel of a single sufficient operative cause may be shown to run through the entire series of connected transactions and stand revealed as the real mental state of the person in question throughout them all."

The late Mr. Chamberlayne was a deep student and an original thinker. He had worked out the principles that should and will in time govern the law of evidence. The attempt, however, to fit the present law into its future forms results in a succession of misfits. The great service that could be done would be for someone to explain in simple language Mr. Chamberlayne's theory and his conception of the principles of evidence. A little book of that kind not intended as a "practical manual for constant use in trials of litigated cases" might have an influence in shaping the development of the law much like Thayer's Preliminary Treatise on Evidence.

A. M. Kidd.

THE ARMY AND THE LAW. By Garrard Glenn. Columbia University Press, New York City, 1918. pp. 197.

Because he combines within his individual self a plurality of characters and personalities, the soldier presents a difficult problem in legal classification. He is a citizen of the realm and, as such, is bound by its laws. At the same time he is a citizen of the military state, and by its code subjected to liabilities not cast upon citizens of the commonwealth as such. Upon occasion these allegiances may, in appearance at least, come into conflict. Moreover, in the discharge of the ultimate function of his calling, the soldier falls within the operation of still another set of rules; those covering the situations which arise out of the existence of actual war.

Apart from scattering and disconnected references in works upon other subjects, Professor Glenn's book represents the first attempt by one both a lawyer and a civilian to set forth the relations between the different aims and interests so brought into contact with one another, and to present the fundamental bases of the rules governing the soldier in all his varying capacities. That purpose it fulfills, for the author's analysis is keen and his deductions not the sufferer from bias or narrowness of vision. Although its mission is avowedly not to provide either a judge advocate's hand-book or a "compendium of useful information" for military persons generally, the accompanying discussion nevertheless involves interesting and instructive phases of detail with reference to military law, the rules of war, military government, and martial law.

Regarding this latter important topic, it is worth note that the author does not agree that martial rule is "confined to the locality of actual war" and "can never exist where the courts are open and in the proper and unobstructed exercise of their jurisdiction" (*Ex parte Milligan*, 4 Wall. 2, 127). He holds with Chief Justice Chase that the "courts might be open and undisturbed in the exercise of their functions, and yet wholly incompetent to avert threatened danger, or to punish, with adequate promptitude and certainty, the guilty conspirators," thus lending support to that side of the controversy regarding martial law which the distinguished military writers, Colonel Winthrop and Major Birkhimer, have so ably championed, and which certain other writers have so vehemently attacked. (Cf. for example, Dean Ballantine in *California Law Review*, 413.)

The work is characterized throughout by the same stimulative and interesting style which has marked Professor Glenn's earlier works, and will well repay anyone interested in the general subject for time spent in its perusal.

Eugene M. Prince.

Books Received

THE RELATION OF THE EXECUTIVE POWER TO LEGISLATION. By Henry Campbell Black. Princeton University Press, Princeton, New Jersey, 1919. pp. vii, 191.

THE YOUNG MAN AND THE LAW. By Simeon E. Baldwin. The Macmillan Co., New York City, N. Y., 1920. pp. 160.

THE FINANCING OF PUBLIC SERVICE CORPORATIONS. By Milton B. Ignatius. Ronald Press Company, New York City, N. Y., 1928. pp. xviii, 508.